

**MINUTES OF THE LAFAYETTE COMMON COUNCIL**  
**March 5, 2007**  
**REGULAR MEETING**

The Common Council of the City of Lafayette, Indiana met in regular session on Monday, March 5, 2007, at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Weast-Williamson called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present: Heide, Klinker, Meyer, Campbell, Brown, Rhoda, Smith, Weast-Williamson  
Absent: Probasco

The City Clerk stated that there was a quorum present.

City Clerk Cindy Murray and City Attorney Ed Chosnek were present.

Councilman Campbell moved to approve the minutes from the February 5, 2007 regular meeting, Councilman Brown seconded. The minutes were approved by unanimous voice vote.

The Clerk stated that there were no Claims, Petitions or Communications.

The Clerk stated that the following reports are available in the Clerk's Office:

Clerks Office Monthly – January 2007  
Water Pollution Control Monthly – January 2007  
Water Works Plant Monthly – January 2007  
Fire Department Annual Report - 2006

**Ordinances for Second Reading:**

The Clerk read Ordinance 2007-04 (An Ordinance to Amend Section 3.01.090 of The Lafayette Municipal Code) by title only on second and final reading. Councilman Campbell moved for passage, Councilman Smith seconded. Ordinance 2007-04 passed 7-0 on a roll call vote on second and final reading.

The Clerk read Ordinance 2007-05 (An Ordinance to Amend Amended Ordinance 2006-05, An Ordinance fixing the Salaries of the Appointed Officers and employees of the City of Lafayette, Indiana, for the Year 2007, Excluding the Sworn Protective Occupation and Law Enforcement) by title only on second and final reading. Councilman Campbell moved for passage, Councilman Heide seconded. Ordinance 2007-05 passed 7-0 on a roll call vote on second and final reading.

**Ordinances for First Reading:**

The Clerk read Ordinance 2007-02 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate, from PDRS to R3 Main Source Bank Crawfordsville, Petitioner, Twyckenham Blvd.) Councilman Meyer moved for consideration of Ordinance 2007-02, Councilman Brown seconded. The motion passed by unanimous voice vote. President Williamson stated the petitioner had submitted a written request to withdraw the proposal. Ordinance 2007-02 was withdrawn by unanimous voice vote.

The Clerk read Ordinance 2007-03 (An Ordinance Adding A Chapter to Title 13 of The Lafayette Municipal Code Buildings and Construction–Graffiti) by title only on first reading. Councilman Meyer moved for consideration of Ordinance 2007-03, Councilman Brown seconded. The motion passed by unanimous voice vote.

Councilman Meyer moved to amend Ordinance 2007-03 *in its entirety*, stating the new proposal includes changes as a result of the February 22, 2007 Ordinance Committee meeting, Councilman Campbell seconded. The amendment passed 7-0 on a roll call vote.

Mayor Roswarski thanked the Ordinance Committee, Common Council members and the public for their comments and participation in the amended proposal presented at tonight's meeting in the eradication of graffiti in the community and encouraged support from Council. Lafayette Police Chief Don Roush spoke briefly regarding the

importance of the ordinance and how it will assist the Police Department in the eradication and abatement of graffiti quickly. Roger Francis, Assistant Principal Jefferson High School, member of the Indiana Academy for Safe Schools along with the Director of Security and Safety for Lafayette School Corporation, spoke in favor of the proposal stating it is needed and if it not eradicated now it will continue. Mr. Francis gave a brief explanation of gang activity and identifying it. Mr. Francis stated on behalf of Jefferson High School and after dialog with Ed Eiler, Lafayette School Corporation Superintendent, proposed through various school activities and clubs, they volunteer time in order to help assist those who cannot financially afford physically unable to eliminate graffiti throughout the community adding "It is paramount this is done in a quick manor in terms of eradication". Mr. Francis referred to Mr. Eiler to present to the Board a proposal that the school utilizes students from Jefferson high School for various club activities to assist the labor aspect in helping the community. Councilman Campbell requested Mr. Francis include in the proposal to Mr. Eiler a hold harmless statement so that the City would not be liable should the graffiti repair not be performed properly or there an injury occurs. Mr. Frances stated yes and that it will be addressed after further research; however Mr. Francis stated it was his understanding that if it is a school activity the student would be covered for their own safety and/or physical injury while perform a club activity. This would be confirmed before any student projects would be set forth. Ed Chosnek, City Attorney stated the City's insurance would cover property damage that may occur, but it does not cover personal injury. In regards to student volunteers, they would need to be covered by the school or their private family insurance for any injury. Councilman Meyer gave a brief summary of the Ordinance Committee meeting which included positive input from the public and changes which were included in the amendment to this ordinance. Perry Barbee, 1714 Union Street spoke in support of the ordinance. Jerry Clough, business owner in the 1000 block of Main Street spoke in support, but felt the penalties would need to be more severe, if they are to affect "absentee landlords" Mr. Clough questioned punishment for those caught and if parents will be held accountable for underage offenders. Roger Francis, Jefferson High reiterated the schools offer to assist with clean up, in no way implies Jefferson High students are involved in the crimes. Mr. Francis stated the data shows many adults are involved in the placement of graffiti. Ordinance 2007-03 passed 7-0, as amended, on a roll call vote on first reading.

The Clerk read Ordinance 2007-06 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain real estate from R1 to GB - Gary Schroeder, Trustee, Petitioner, St Rd 38 between Haggerty Lane and CR 475E) by title only on first and final reading. Councilman Smith moved for passage, Councilman Klinker seconded. Councilman Meyer excused himself from the meeting at 7:37 p.m. Joe Bumbleburg, representing the petitioner, stated this property was in the middle of an area zoned GB and the owners would like to aggregate their property as one zoning category. Mr. Bumbleburg stated the petitioner had received no inquiries requesting R1 use of this land. Ordinance passed 6-0 on a roll call vote on first and final reading. Councilman Meyer returned to the meeting at 7:48 p.m.

The Clerk read Ordinance 2007-07 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate from CB to PDMX - North Third Street between Columbia and South Streets) by title only on first and final reading. Councilman Campbell moved for passage, Councilman Smith seconded. Mark Scharer, petitioner presented to Council the plan to convert this vacant downtown space into condominiums with the potential to add to the top of building. Councilman Campbell questioned the parking requirements. Mr. Scharer explained negotiations are in progress with the County Commissioners to lease spaces in the County Parking garage, which is adjacent to the building. Councilman Meyer inquired if Mr. Sharer had spoken with the Historic District Commission regarding a certificate of appropriateness since this building is a landmark in the downtown district. Mr. Scharer stated he is working very closely with the commission to insure integrity of the building. Ordinance 2007-07 passed 7-0 on a roll call vote on first and final reading.

### **Resolutions:**

The Clerk read Resolution 2007-04 (A Resolution Ratifying and Approving Designation of an Economic Revitalization Area for Tax Abatement, Oscar Winski Company, Inc) by title only on first and final reading. Councilman Campbell moved for passage, Councilman Brown seconded. Dennis Carson, Redevelopment Director presented a request for ten year tax abatement for Oscar Winski Company, Inc with signed memorandum of agreement. Dan Teder, attorney for the petitioner spoke regarding the planned expansion, which will include new equipment and approximately seven (7) new hires, this will allow Oscar Winski Company to continue competing in the global market as well as supply many local business with a much needed product. Resolution 2007-04 passed 7-0 on a roll call vote on first and final reading.

Councilman Campbell moved to set a public hearing on Monday April 9, 2007 at 7:01 p.m., Councilman Brown seconded. The Motion passed by unanimous voice vote.

Reports of Standing Committees:

There was no Report by the Mayor

There was no Miscellaneous or New Business.

Reports of Councilman: President Williamson announced the retirement of the following two City employees and requested the Clerk's Office to send each a letter of appreciation and congratulating them on their years of service:

- Assistant Chief Ron Holdman-Lafayette Fire Department-35 years of service.
- Private Creed Smith-Lafayette Fire Department-28 years of service,

Public Comment:

The Mayors Youth Council gave a presentation regarding a newly designed city flag. Councilman Campbell moved to have the city attorney draft a resolution adopting the flag as the official flag for the City of Lafayette, Councilman Rhoda seconded. The motion passed by unanimous voice vote.

Perry Barbee, 1714 Union Street, spoke in support of the flag and thanked the Mayors Youth Council for all their hard work.

Terry Masterson, 1115 Central Street spoke regarding the "Trolley Tax" suggesting it should be put to a vote of the people instead of continuing to the end of the contract.

With no further business to come before the Council, Councilman Campbell moved to adjourn, Councilman Klinker seconded. The motion passed by unanimous voice vote.

The meeting was adjourned at 8:40 p.m.

Minutes prepared by Cindy Murray, City Clerk

Complete audio available in the Lafayette City Clerk's Office or at [www.lafayette.in.gov](http://www.lafayette.in.gov)